

## **REMARKS**

Applicant wishes to thank the Examiner for the attention accorded to the instant application.

Claims 1-3 are pending in the application. Applicant has amended claim 1.

### **I. Claim Rejections – 35 U.S.C. § 103**

The Examiner has rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,222,909 to Qua et al. (“Qua”) in view of U.S. Patent No. 6,859,609 to Watkins (“Watkins”). The Examiner asserts that Qua discloses all of the limitations of the claims except a first memory reproducing a conversation content recorded while the second memory records conversation contents of a current conversation. The Examiner asserts that Watkins discloses a portable digital terminal which can record audio signals during a conference meeting.

Applicant has amended claim 1 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been amended to recite that the switching unit switches the endless recording from a first memory to a second memory when indicated. The present invention, as recited in amended claim 1 is directed to a portable phone having a recording function for recording audio data during a telephone conversation. A plurality of memories is featured with each of the memories configured for endless-recording of conversation content, with a switching unit capable of switching memories between the plurality of memories so that, if a user chooses, playback of the recorded content can occur before the end of the recording.

A user of a portable phone may sometimes find it necessary to replay or reproduce a conversation previously recorded by a mobile telephone. Such a situation may arise when the user wishes to replay a portion of an earlier conversation for the benefit of the party on the line

while a current conversation is being recorded. According to an aspect of Applicant's claimed invention, more than one memory (or more than one memory areas of a single memory device) are provided so that while conversation contents previously recorded on a first memory are being reproduced, a second memory can record conversation data of the current conversation. A switching unit is provided so that the first memory dedicated to recording the conversation is switched to a second memory so that playback of the recorded conversation can occur in the first memory. Such a switching unit is absent in both of the cited references.

The base reference, Qua, is directed to an audio note taking system which permits a user to record audio information from a wireless communication device for later distribution. Qua teaches a single storage device which can be marked when the recording of the audio information is terminated so that the recorded information can be distributed. See column 5 lines 28-42. Importantly, since Qua teaches only a single storage device and no switching unit, further recording of audio information while retrieval and playback of the previously recorded information occurs concurrently is impossible.

Watkins does not overcome the shortcomings of the Qua reference. Watkins discloses a portable digital terminal for recording audio/visual information. However, Watkins teaches that for concurrent playback and recording of audio/visual information, the memory location remains undisturbed. See column 6 lines 3-6. That is, no switching of the memory location from a first memory to a second memory takes place. Therefore, Watkins does not teach a switching unit capable of switching the endless recording from a first memory to a second memory when indicated.

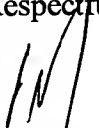
Therefore, Applicant respectfully submits that a combination of Qua and Watkins does not teach or suggest every claimed feature of the invention. The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case

of obviousness has not been set forth, Applicant respectfully submits that claim 1 is allowable over the cited references. Claims 2 and 3, which depend from claim 1, are similarly allowable.

## **II. Conclusion**

For the foregoing reasons, Applicant respectfully submits that all pending claims 1-3 are now in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,



Paul J. Esatto, Jr.  
Registration No. 30,749

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

PJE:BK:ae